

**To:** Albright, David[Albright.David@epa.gov]  
**Cc:** R9-Deep[R9Deep@epa.gov]  
**From:** Robin, George  
**Sent:** Tue 11/12/2013 6:53:39 PM  
**Subject:** FW: (Phone Call notes) (Reg Bd - Aquifer Exemption Inquiry) (307143529) Region 9 Information Request/ Application for Aquifer Exemption

David,

We had our phone conversation. I answered their questions, esp. those in Rich's previous message.

They understand that they are only invited/solicited to examine, question, comment etc. on these aquifer exemptions.

They understand how these Aq. Exemptions are revisions to the DOGGR's Primacy Program.

They have already discussed with Fresno Board's Shelton Gray and others there who have been more involved in the recent past with Aq. Ex.'s

They understand they are welcome and will call us up if they ever feel the need.

George

**From:** Chandler, Rich@Waterboards [mailto:Rich.Chandler@waterboards.ca.gov]  
**Sent:** Thursday, November 07, 2013 10:08 AM  
**To:** Robin, George  
**Cc:** Tryon, Thea@Waterboards; Albright, David  
**Subject:** RE: (Reg Bd - Aquifer Exemption Inquiry) (307143529) Region 9 Information Request/ Application for Aquifer Exemption

George

I was contacted by John Donahue, President and CEO of Bear Energy. Bear Energy operates a small oilfield known as the Lynch Canyon Field. It is adjacent to the McCool Ranch Field and the much larger San Ardo Field in Monterey County. There are already aquifer exemptions in the San Ardo and McCool Ranch Fields, and in a very small portion of the Lynch Canyon Field. When these aquifer exemptions were established the Lynch Canyon Field was not producing. Mr. Donahue is seeking to expand the existing exemptions to include the entire Lynch Canyon Field.

When first contacted by Mr. Donahue I had no idea what he was talking about as I have no experience with aquifer exemptions, most of my work is related to the cleanup of oil spills. He said he was referred to me by DOGGR District 3. After doing a little research on aquifer exemptions I called Pat Abel at DOGGR. She indicated that Water Board support would be needed to support Bear Energy's application but didn't go into detail as to what that support would entail. I assume that the support would likely consist of Water Board correspondence confirming Bear Energy's description of the aquifer properties, receptors, and current and future aquifer uses. We have contacted Water Board legal staff and they have indicated that DOGGR is the lead agency in these cases and that Water Board support could be provided but is not required.

Some of the questions we would like to discuss include:

Is it necessary or customary for Regional Water Boards to be involved in the aquifer exemption process?

Has any Regional Water Board ever been involved with an aquifer exemption?

If our office is to be involved in the process what tasks would we be expected to perform?

If we were to be involved what level of effort would be expected by the EPA?

I hope I've given you enough info. I look forward to our call. Thank you.

Rich

Rich Chandler, P.G.  
Engineering Geologist  
Water Quality Control Board, Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401-7906  
805-542-4627

**From:** Robin, George [<mailto:Robin.George@epa.gov>]  
**Sent:** Wednesday, November 06, 2013 9:30 AM  
**To:** Chandler, Rich@Waterboards  
**Cc:** Tryon, Thea@Waterboards; Albright, David; Robin, George  
**Subject:** RE: (Reg Bd - Aquifer Exemption Inquiry) (307143529) Region 9 Information Request/  
Application for Aquifer Exemption

Thank you, please call me at my desk phone.

I will answer as many questions that you have about Aquifer Exemptions and the process, etc.

I will be interested in as much pertinent, perhaps initial, information about the operator and their need for an Aquifer Exemption as you may have available.

*George Robin ([robin.george@epa.gov](mailto:robin.george@epa.gov))*

*Engineer, Underground Injection Control*

*US EPA, Region IX                      Phone (415) 972-3532*

*75 Hawthorne St.                      Fax (415) 947-3549*

*Ground Water Office*

*Mail Code: WTR-9*

*San Francisco, CA 94105*

**From:** Chandler, Rich@Waterboards [<mailto:Rich.Chandler@waterboards.ca.gov>]  
**Sent:** Wednesday, November 06, 2013 8:29 AM  
**To:** Robin, George  
**Cc:** Tryon, Thea@Waterboards; Albright, David  
**Subject:** RE: (Aquifer Exemption Inquiry) (307143529) Region 9 Information Request/ Application for Aquifer Exemption

George

Sounds good. My supervisor, Thea Tryon, will also be on the call. Should we call you at (415) 972-3532 or is there a better number? Thank you.

Rich

Rich Chandler, P.G.  
Engineering Geologist  
Water Quality Control Board, Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401-7906  
805-542-4627

**From:** Robin, George [<mailto:Robin.George@epa.gov>]  
**Sent:** Tuesday, November 05, 2013 9:12 AM  
**To:** Chandler, Rich@Waterboards  
**Cc:** Tryon, Thea@Waterboards; Robin, George; Albright, David  
**Subject:** RE: (Aquifer Exemption Inquiry) (307143529) Region 9 Information Request/ Application for Aquifer Exemption

Rich,

Yes, let's go for Tues. Nov. 12th at 10:00 am.

*George Robin ([robin.george@epa.gov](mailto:robin.george@epa.gov))*

*Engineer, Underground Injection Control*

*US EPA, Region IX*

*Phone (415) 972-3532*

*75 Hawthorne St.*

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*San Francisco, CA 94105*

**From:** Chandler, Rich@Waterboards [<mailto:Rich.Chandler@waterboards.ca.gov>]

**Sent:** Monday, November 04, 2013 3:38 PM

**To:** Robin, George

**Cc:** Tryon, Thea@Waterboards

**Subject:** RE: (Aquifer Exemption Inquiry) (307143529) Region 9 Information Request/ Application for Aquifer Exemption

George

Thank you for the information you provided. Our agency, the Central Coast Regional Water Quality Control Board has been approached by a gentleman named John Donahue of Bear Energy to assist with an aquifer exemption application for a small oil field near San Ardo. He was referred to us by DOGGR. We are trying to figure out what our role is expected to be in this process but there is very little info available and no one in our office has any experience with aquifer exemptions. Please let me know if you would be available for a call on Tuesday morning November 12 at 10:00 AM to discuss whether the Water Board should be involved and, if so,

what our involvement would consist of. Thank you.

Rich

Rich Chandler, P.G.  
Engineering Geologist  
Water Quality Control Board, Central Coast Region  
895 Aerovista Place, Suite 101  
San Luis Obispo, CA 93401-7906  
805-542-4627

**From:** Robin, George [<mailto:Robin.George@epa.gov>]  
**Sent:** Monday, November 04, 2013 1:31 PM  
**To:** R9.Info; Chandler, Rich@Waterboards  
**Cc:** R9.Info; COHEN, Deborra; Ziegler, Cynthia; R9-Deep; Albright, David  
**Subject:** RE: (Aquifer Exemption Inquiry) (307143529) Region 9 Information Request/ Application for Aquifer Exemption

Hi Rich,

I am interested in the particular application of your concern that you express the need to exempt an aquifer.

There are no forms for filling.

There are regulations and guidelines which are applicable, however because of the seriousness and complexity involved, questions should precede action and they should be addressed to those of us in the UIC program. Please also consider my supervisor David Albright, Manager, Ground Water Office, in this email's Cc-List.

Please be aware of these:

- 40 CFR Part 144.7 “Identification of underground sources of drinking water and exempted aquifers.”
- 40 CFR Part 146.4 “Criteria for exempted aquifers”
- EPA’s UIC Guidance 34 at [http://www.epa.gov/ogwdw/uic/pdfs/guidance/guide-memo\\_guidance-34\\_review\\_state\\_prog.pdf](http://www.epa.gov/ogwdw/uic/pdfs/guidance/guide-memo_guidance-34_review_state_prog.pdf)

In short:

An “aquifer exemption” is an action taken solely by EPA.

That action exempts, removes an “aquifer” (more correctly, an USDW or “underground source of drinking water” as defined at 40 CFR Part 144.3 “Definitions”) from protection. Therefore, this action is quite the most serious such that can be made within the UIC program.

We should engage in a conversation in the near future, although this week is quite hectic for me.

Let’s determine a time when it is convenient for us.

*George Robin ([robin.george@epa.gov](mailto:robin.george@epa.gov))*

*Engineer, Underground Injection Control*

*US EPA, Region IX                      Phone (415) 972-3532*

*75 Hawthorne St.                      Fax (415) 947-3549*

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*San Francisco, CA 94105*

**From:** Kerry Shoji [<mailto:Shoji.Kerry@epamail.epa.gov>] **On Behalf Of** [R9.Info@epa.gov](mailto:R9.Info@epa.gov)  
**Sent:** Monday, November 04, 2013 12:27 PM  
**To:** [rhandler@waterboards.ca.gov](mailto:rhandler@waterboards.ca.gov)  
**Cc:** R9.Info; COHEN, Deborra; Ziegler, Cynthia; Robin, George; Basinger, David  
**Subject:** Re: (307143529) Region 9 Information Request/ Application for Aquifer Exemption

Hi Rich,

I have forwarded your message to George Robin and David Basinger for response. You should be hearing from one of them shortly.

The UIC Permit Application refers to an aquifer exemption on page 6, item S at <http://www.epa.gov/safewater/uic/pdfs/7520-6.pdf> This has some instruction on the process.

--Kerry Shoji

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Kerry Shoji, Librarian (Contractor, ASRC Primus)  
U.S. EPA Region 9 Library  
75 Hawthorne St., San Francisco, CA 94105

[Library-Reg9@epa.gov](mailto:Library-Reg9@epa.gov)  
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415-947-3553 fax

<http://www.epa.gov/region9/library>  
The library is staffed by ASRC Primus.

☞ "idaemon.rtpnc.epa.gov" ---11/04/2013 11:35:31 AM---WebForm Contact Name: Rich Chandler

"idaemon.rtpnc.epa.gov" <[idaemon@rtpnc.epa.gov](mailto:idaemon@rtpnc.epa.gov)>

From:

[R9.info@EPA](mailto:R9.info@EPA),

To:

11/04/2013 11:35 AM

Date:

(307143529) Region 9 Information Request

Subject:

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WebForm

Contact Name: Rich Chandler

Organization Name: Regional Water Quality Control Board Region 3

Email: [rchandler@waterboards.ca.gov](mailto:rchandler@waterboards.ca.gov)

Phone: 805-542-4627

Requests/Comments: Is there an application form for aquifer exemptions, or any published guidelines that instruct someone on how to apply for an aquifer exemption? If either of these documents exist can they be downloaded from the internet, or alternatively, emailed to me? Thank you.



